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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/826,786

04/05/2001

Patrick Montoya

AUT-10002/36

4084

25006

7590

06/25/2009

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C

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EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* PATRICK MONTOYA

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Application 09/826,786  
Technology Center 3600

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Mailed: June 25, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 12, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT IN RESPONSE TO EXAMINER'S ANSWER

Appellant filed an Amendment in response to Examiner's Answer dated December 8, 2008. Appellant elects to reopen prosecution under 37 CFR §1.111. The Examiner is required to reopen prosecution.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) reopen prosecution as requested by Appellant; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/cdc

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